

WOLLBRAND et al  
Serial No. 09/870,945

Atty Dkt: 2380-317  
Art Unit: 2664

### REMARKS/ARGUMENTS

Reconsideration of the captioned application is respectfully requested.

#### **A. SUMMARY OF THIS RESPONSE**

By the current response, Applicants basically amend all independent claims to refer to a same virtual path (VP) which carries the AAL2 path group, and respectfully traverse all prior art rejections.

#### **B. PATENTABILITY OF THE CLAIMS**

Claims 1-34 and 37-50 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,834,053 to Stacey et al in view of U.S. Patent 6,314,103 to Medhat et al. Claims 35 and 36 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,834,053 to Stacey et al and U.S. Patent 6,314,103 to Medhat et al as applied to claims 1-34 and 37-50 above and further in view of U.S. patent 6,725,038 to Subbiah. All prior art rejections are respectfully traversed for at least the following reasons.

Each of Applicants' independent claims 1, 11, 24, and 41 refer explicitly to AAL2 path groups which comprise (or are formed by) plural AAL2 paths. Further, each independent claim stipulates that connections are admitted based on available bandwidth of the AAL2 path group rather than available bandwidth of an individual AAL2 path. Further, all independent claims are now amended to clarify that connections of the AAL2 path group are carried on a same virtual path (VP)<sup>1</sup>.

As in the previous office action, the Examiner has properly admitted that U.S. Patent 6,834,053 to Stacey et al. fails to disclose numerous claim limitations, including some of those paraphrased in the preceding paragraph of these remarks. As done

<sup>1</sup> In terms of support, note (for example) that all of Applicant's drawings show a single VP connected to a node.

WOLLBRAND et al  
Serial No. 09/870,945

Atty Dkt: 2380-317  
Art Unit: 2664

unsuccessfully previously with U.S. Patent 6,097,722 to Graham et al., the Examiner now alleges that U.S. Patent 6,314,103 to Medhat et al. teaches the claim limitations for which Stacey is silent, to allege that Medhat is combinable with Stacey, and to allege further that Stacey discloses certain subject matter of Applicants' dependent claims. Applicants again vigorously disagree.

U.S. Patent 6,314,103 to Medhat et al. teaches a virtual path group, *not* an AAL2 path group. Medhat explains the terminology as follows:

A VC is a logical connection between two end points for the transfer of ATM cells. A VP is a logical combination of VCs. VPs can be bundled into groups referred to herein as virtual path groups (VPGs). See, col. 6, line 66 – col. 7, line 2 of Medhat.

Please note that Applicants schedule an AAL2 path group, comprising plural AAL2 paths, on a *same* virtual path (VP), based on the available bandwidth of the AAL2 path group rather than available bandwidth of an individual AAL2 path. Applicants' drawings consistently show one VP 24 connected between node 22A and node 22B.

By contrast, Medhat

allocates and tracks bandwidth for VPs within VPGs between ATM system devices. The system of the present invention under-allocates the VPs in a particular VPG so that when a particular VP requires more bandwidth, the particular VP may use bandwidth from another VP. See, col. 7, lines 8 - 13 of Medhat.

Thus, Medhat is bundling VPs in to a group, i.e., a virtual path group VPG. As explained more fully in col. 7, lines 66 – col. 8, line 8, in Medhat

each VP within a VPG is set at a certain amount of bandwidth, and system policing is turned off. By turning off policing, a VP may borrow bandwidth from another VP when needed and thereby accomplish dynamic

WOLLBRAND et al  
Serial No. 09/870,945

Atty Dkt: 2380-317  
Art Unit: 2664

reallocation of bandwidth. Thus, for example, the VPs in a VPG may be assigned a VP under-allocation value equivalent to 10 VCs in a critically allocated state. Because policing is turned off, when a VP uses all 10 of the VCs to which it is allocated, it may use a VC from another VP if available.

See also the example in col. 12, lines 53 - 61 wherein it is stated that

When the level of bandwidth use for a VP within the VPG connection 124 reaches the level of under-allocation, bandwidth is pulled from other provisioned VPG connections, such as the VCs in the provisioned path from the second ATM device 134 to the first ATM device 128 through the VPG connections 126 and 132, to connect the calls. This bandwidth is used by the VPs in the VPG connection 124 which have been provisioned to the first ATM device 128.

Thus, Medhat refers to virtual path group, not a AAL2 path group which is carried on a same virtual path (VP).

Significantly, U.S. Patent 6,314,103 to Medhat et al. does not contain a single reference to AAL2. Naturally, therefore, U.S. Patent 6,314,103 to Medhat et al. cannot teach or suggest even an AAL2 path group.

Applicants submit that the concocted combination and thus the entire rejection falls. The independent claims are all patentable, and import their patentable limitations into their dependent claims as well.

### C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

WOLLBRAND et al  
Serial No. 09/870,945

Atty Dkt: 2380-317  
Art Unit: 2664

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,  
**NIXON & VANDERHYE P.C.**

By: H. Warren Burnam, Jr.  
H. Warren Burnam, Jr.  
Reg. No. 29,366

HWB:lsh  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100